



## PRE-APPLICATION FORM

### REZONING, USE PERMIT(S) AND CONCURRENT VARIANCE(S)

#### Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Division by calling (678) 512 - 3200. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: Atlanta Chinese Christian Church North  
c/o Julie Sellers 9.88  
Site Address: 5055 Morton Rd Parcel Size: ~~2.1~~ acres  
5000 Morton Rd

Proposal Description: Rezone for Special Use Permit  
& for church parking  
lot

Existing Zoning Designation and Case Number: AG-1 U-01-029

Proposed Zoning Designation: AG-1 - SUP

Comprehensive Land Use Map Designation: 4

Planner: [Signature] Date: 5/18/15

**ORIGINAL**



**REZONING/SUP/CHANGE IN CONDITIONS**  
**APPLICATION**

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Atlanta Chinese Christian Church North, LLC</u>	NAME: <u>Morton 5000, LLC</u>
ADDRESS: <u>c/o G. Douglas Dillard/PFT</u>	ADDRESS: <u>c/o G. Douglas Dillard/PFT</u>
CITY: <u>1230 Peachtree St NE Suite 1200 Atlanta</u>	CITY: <u>1230 Peachtree St NE Suite 1200 Atlanta</u>
STATE: <u>GA</u> ZIP: <u>30309</u>	STATE: <u>GA</u> ZIP: <u>30309</u>
PHONE: <u>404-665-1241</u>	PHONE: <u>404-665-1241</u>
CONTACT PERSON: <u>Julie Sellers</u> PHONE: <u>404-665-1242</u>	
CONTACT'S E-MAIL: <u>jsellers@pftlegal.com</u>	

<b>APPLICANT IS THE:</b>	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>AG-1</u> REQUESTED ZONING DISTRICT: _____	
LAND DISTRICT(S): <u>1st</u> LAND LOT(S): <u>205</u> ACREAGE: <u>9.88</u>	
ADDRESS OF PROPERTY: <u>5055 &amp; 5000 Morton Road</u>	
PROPOSED DEVELOPMENT: <u>Use Permit for Church and Parking</u>	
CONCURRENT VARIANCES: _____	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. _____
Density: _____	Density: _____

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City of Johns Creek  
Planning & Zoning



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City of Johns Creek  
Planning & Zoning**Letter of Intent****Land Use Permit for additional parking for a Church  
5055 and 5000 Morton Road, Johns Creek, Georgia**

The Applicant, Atlanta Chinese Christian Church North, LLC ("ACCCN") is the property owner of property located at 5055 Morton Road, Johns Creek, Georgia. The zoning of the property is AG-1 (Agricultural District). Section 19.4.10 of the City's Zoning Code allows for churches, temples, and other places of worship with a land use permit within the AG-1 zoning district. In 2001, Fulton County approved a use permit for the church and accessory uses. The use permit authorizes 44,200 square feet building and 500 fixed seats in the sanctuary. After approval of the use permit, ACCCN constructed the existing church building (28,220 square feet) and 250 parking spaces. In the last ten years, the Church has become an active part of Johns Creek. Local Boy Scout troops have used the church as well as other Bible study groups in the community. The members of the Church enjoy the ability to worship close to their homes.

The adjacent property located at 5000 Morton Road is approximately 4 acres of vacant land that previously included a single family home. After nearly ten years of operation, ACCCN requests approval to use the adjacent property for additional parking to serve the Church and its members. The attached site plan reflects the proposed use of the property and parking layout. The Applicant anticipates constructing a family life center and educational building to provide additional space for its members to congregate and worship. Approximately 450 of the ACCCN members are residents of Johns Creek. The proposed additional building is consistent with the land use permit issued by Fulton County in 2001. However, the Applicant seeks additional parking to alleviate current parking congestion by adding 150 parking spaces to the 250 existing spaces.

We respectfully request that John Creek City Council approve the land use permit as requested by the Applicant.

**Free Exercise and the Religious Land Use and Institutionalized Persons Act (RLUIPA)**

The Free Exercise Clause of the First Amendment<sup>1</sup> protects religious freedom. In addition to this constitutional provision, the U.S. Congress enacted the Religious Land Use and Institutionalized Persons Act (RLUIPA) in 2000 to specifically protect places of religious worship against discrimination by government officials in the land use and zoning context. RLUIPA is a civil rights law that protects individuals and religious institutions from discriminatory and overly burdensome land use regulations. Specifically, RLUIPA prohibits the implementation of a land use regulation (such as zoning or permitting requirements) in a manner "that imposes a substantial burden on the religious exercise of a person, including a religious assembly, unless the government demonstrates that it is in furtherance of a compelling governmental interest and is the least restrictive means of doing so. The law also prohibits governments from imposing land use regulations in a manner that treats a religious assembly or institution on less than equal terms with

<sup>1</sup> The Free Exercise clause of the First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . or abridging the freedom of speech..." U.S. Const., amend. I.



a nonreligious assembly or institution, or in a discriminatory manner. Under RLUIPA, "religious exercise" includes the "use, building, or conversion of real property for the purpose of religious exercise...." 42 U.S.C. § 2000cc5(7)(B). Here, the denial of a land use permit would substantially burden the Applicant's religious exercise and a denial would discriminate in a manner prohibited by RLUIPA.

The Applicant satisfies all of the zoning and land use criteria as set forth in the City of Johns Creek Zoning Ordinance.

The hereinafter constitutional notice is now required by Georgia law:

The portions of the City of Johns Creek Zoning Code, facially and as applied to the Property, which restrict the Property to any uses other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Johns Creek Zoning Code, facially and as applied to the Property, which restricts the Property to any uses other than the uses proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Johns Creek City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Johns Creek City Council to grant the land use permit in accordance with the requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any use restrictions placed on the Property which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

The existing zoning and land use restrictions which prohibit the Applicant's use of the property without a land use permit are unconstitutional. This notice is being given to comply with

the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to grant the land use permit. If action is not taken by the City to rectify this unconstitutional zoning classification within a reasonable time, a claim will be filed in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Property, diminution of value of the Property, attorney's fees and not less than One Million Dollars (\$1,000,000.00) in other damages arising out of the unlawful deprivation of the Applicant's property rights.

Accordingly, your Applicant respectfully requests that this Application be granted as requested by the Applicant.

If there are any questions about this land use permit request, you may contact me at 404-665-1242 or at [jsellers@pftlegal.com](mailto:jsellers@pftlegal.com).

Sincerely,

PURSLEY, FRIESE, TORGRIMSON, P.C.



G. Douglas Dillard  
Julie Sellers  
Attorneys for Applicant

Promenade, Suite 1200  
1230 Peachtree Street NE  
Atlanta, Georgia 30309  
(404) 876-4880 (Telephone)  
(404) 876-4757 (Facsimile)

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## ZONING IMPACT ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_
3. Does the property to be rezoned have a reasonable economic use as currently zoned?  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_
5. Is the zoning proposal in conformity with the policies and intent of the land use plan?  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek?  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_

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## USE PERMIT CONSIDERATIONS

### Section 19.2.4

Applicant: Atlanta Chinese Christian Church North, LLC

1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Mayor and City Council.

**Yes, the proposed use for parking as an accessory to the existing church is consistent with the City's plans.**

2. Compatibility with the land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed.

**The property is zoned AG-1 and located within land use map designation 4. The use of the property for a church and parking is consistent with the appropriate uses in the zoning district and as reflected in the land use plan.**

3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development.

**No, the use does not violate any statutes, ordinances, or regulations governing land development.**

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets.

**The proposed use will enhance the traffic flow by allowing vehicles easier access to the property and to sufficient parking. The site plan will also provide enhanced pedestrian access.**

5. The location and number of off-street parking spaces.

**The existing parking spaces at the church is 250 spaces. The requested site plan includes a total of 400 parking spaces.**

6. The amount and location of open space.

**See attached site plan.**

7. Protective screening.

**The site plan reflects a 50 foot landscaped buffer in the rear, 45 foot landscape buffers on the side yards, and a 15 foot landscape buffer along Morton Road.**

8. Hours and manner of operation.

**The church operates to provide a worship center for its members. In addition, the church has been used by community bible study group, area Boy Scout Troops, and others.**

9. Outdoor lighting.

**Outdoor lighting will comply with Johns Creek regulations.**

10. Ingress and egress to the property.

**See attached site plan.**

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Planning & Zoning

## ENVIRONMENTAL SITE ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

### 1. Conformance with the Comprehensive Plan:

**The subject property is within the Comprehensive Land Use Plan designation 4 Warsaw/Morton Road. The existing and continued use of the property for a place of worship and associated parking is one of the appropriate uses pursuant to the Comprehensive Plan.**

### 2. Environmental Impacts of the Proposed Project:

- a. Wetlands – **none**
- b. Floodplain – **none**
- c. Streams/stream buffers – **none**
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation – **none**
- e. Vegetation – **property is a previous residential site with overgrown grass, weeds, and landscaping**
- f. Wildlife Species – **no known**
- g. Archeological/Historical Sites – **no known**

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### 3. Project Implementation Measures:

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

**No known environmentally sensitive areas exist. However, Applicant will abide by applicable regulations.**

- b. Protection of water quality.

**Applicant will abide by applicable regulations. No anticipated impact on water quality.**

- c. Minimization of negative impacts on existing infrastructure.

**Applicant's proposed turn lane on Morton Road will improve the infrastructure.**

- d. Minimization of archeological/historically significant areas.

**No known archeological/historically significant areas.**

- e. Minimization of negative impact on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

**No anticipated impact on environmentally stressed communities.**

- f. Creation and preservation of green space and open space.

**Applicant's site plan reflects the creation of a detention pond and landscape buffers to enhance the existing green space that is overgrown.**

- g. Protection of citizens from the negative impacts of noise and lighting.

**Applicant's site plan reflects landscape buffers to protect against noise and lighting.**

- h. Protection of parks and recreational green space.

**Applicant's site plan reflects enhances green space.**

- i. Minimization of impact to wildlife habitats.

**The proposed use would minimize any impact to wildlife habitats.**

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# DISCLOSURE REPORT FORM

**WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.**

**CIRCLE ONE:**      **YES** (if YES, complete points 1 through 4);      **NO** (if NO, complete only point 4)

1.      **CIRCLE ONE:**      **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)
- In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2.      List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. _____ 2. _____ 3. _____ 4. _____	5. _____ 6. _____ 7. _____ 8. _____
--	--

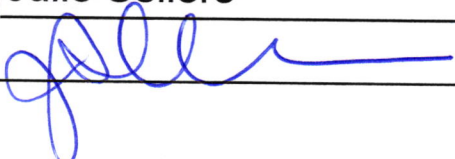
3.      CAMPAIGN CONTRIBUTIONS:

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Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
None			

4.      The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Julie Sellers

Signature:       Date: 6/1/15

**REZONING APPLICANT'S CERTIFICATION**

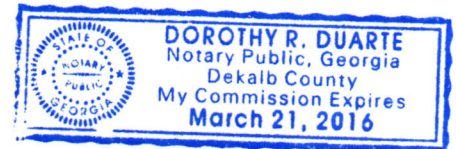
THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.

ATLANTA CHINESE CHRISTIAN CHURCH NORTH, INC.

BY: Martin Leung 5/28/15  
Signature of Applicant Date

MARTIN TIN-TSUN LEUNG, Chairperson, JBED  
Type or Print Name and Title

Dorothy Duarte 5/28/15  
Signature of Notary Public Date Notary Seal

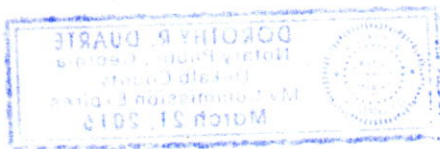


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City of Johns Creek  
Planning & Zoning

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**REZONING PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, STATES UNDER OATH THAT THEY ARE THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.

ATLANTA CHINESE CHRISTIAN CHURCH NORTH, INC.

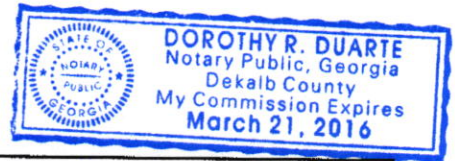
BY: Martin Leung  
Signature of Property Owner

5/28/15  
Date

MARTIN TIN-TSUN LEUNG, Chairperson, JBED  
Type or Print Name and Title

Dorothy Duarte  
Signature of Notary Public

5/28/15  
Date



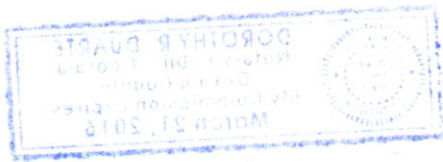
Notary Seal

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MORTON 5000, LLC

BY:

Signature of Property Owner

Date

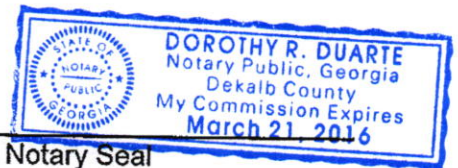
Bill Tong - GAW Tong, MANAGER

Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal



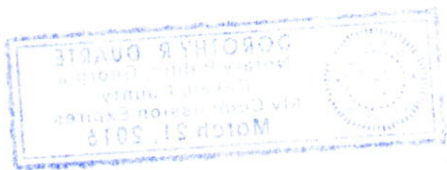
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Deed Book 31371 Pg 374  
Filed and Recorded Nov-19-2001 06:43am  
2001-0306504  
Real Estate Transfer Tax \$750.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

RETURN TO: BLACKBURN, WALTHER & SLOAN, LLC  
3625 SAVANNAH PLACE DRIVE, SUITE 102  
DULUTH, GEORGIA 30096  
Attn: DC/601292

# WARRANTY DEED

STATE OF GEORGIA

GWINNETT COUNTY

THIS INDENTURE made the 31st day of October, 2001,  
between

MIN JA HATCH

hereinafter called " Grantor's", and

ATLANTA CHINESE CHRISTIAN CHURCH NORTH, INC.

hereinafter called "Grantee/s" (the words "Grantor/s" and "Grantee/s" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor/s, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged has/have granted, sold, transferred and conveyed, and by these presents does/do grant, sell, transfer and convey unto Grantee/s:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 205 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This conveyance is made subject to all covenants, easements and restrictions of record.

TO HAVE AND TO HOLD, in fee simple. And Grantor/s will warrant and forever defend the right and title to said premises unto Grantee/s against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor's/s' hand and seal have been hereunto affixed,  
the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Carla P. Reynolds  
WITNESS

NOTARY PUBLIC

 (Seal)  
MIN JA-HATCH



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City of Johns Creek  
Planning & Zoning

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 205 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MORTON ROAD (VARIABLE RIGHT-OF-WAY) WHICH POINT IS 358.10 FEET ALONG SAID RIGHT-OF-WAY LINE EASTERLY FROM THE WEST LINE OF LAND LOT 205, RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 549.90 FEET, SAID ARC HAVING A RADIUS OF 2775.61 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 84 DEGREES 51 MINUTES 18 SECONDS EAST AND A LENGTH OF 549.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING SOUTH 00 DEGREES 27 MINUTES 54 SECONDS WEST A DISTANCE OF 467.48 FEET TO AN IRON PIN FOUND; RUNNING THENCE NORTH 86 DEGREES 04 FEET 20 SECONDS WEST A DISTANCE OF 433.09 FEET TO AN IRON PIN FOUND, RUNNING THENCE NORTH 87 DEGREES 38 MINUTES 57 SECONDS WEST A DISTANCE OF 99.29 FEET TO AN IRON PIN FOUND; RUNNING THENCE NORTH 01 DEGREES 23 MINUTES 21 SECONDS WEST A DISTANCE OF 483.10 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 5.9776 ACRES, MORE OR LESS, ALL AS PER PLAT OF SURVEY PREPARED FOR ATLANTA CHINESE CHRISTIAN CHURCH NORTH, INC. DATED OCTOBER 25, 2001 PREPARED BY GUDGER SURVEYING, INC., CERTIFIED BY RONALD E. GUDGER, GRLS NO. 2089, WHICH PLAT OF SURVEY BEING INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

Deed Book 31371 Pg 375  
Juanita Hicks

Clerk of Superior Court  
Fulton County, Georgia  
I HAVE READ THE ABOVE DEED AND IT IS MY DUTY TO RECORD IT.

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City of Johns Creek  
Planning & Zoning

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Return To:  
Liu & Associates, P.C.  
3166 Chestnut Drive Connector  
Suite 168  
Atlanta, GA 30340  
#200603657

Deed Book 42432 Pg 488  
Filed and Recorded Apr-24-2006 08:34am  
2006-0123513  
Real Estate Transfer Tax \$600.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

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### LIMITED WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF DEKALB

THIS DEED ("Deed") is made this 14th day of April, 2006, between Shu-Hui Huang, a Georgia resident ("Grantor") AND Morton 5000 LLC, a Georgia limited liability company, ("Grantee") (the words "Grantor" and "Grantee" include their respective heirs, successors and assigns).

WITNESSETH that acting under and by virtue of the power and authority contained in the Letters of Administration, the same having been duly probated and recorded in the Court of Probate of Fulton County, Georgia), and as the sole heir of Zong Tsan Huang, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee the following described real property (the "Property"):

See Exhibit "A"

TO HAVE AND TO HOLD the Property with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of said Grantee, subject only to those matters set forth in Exhibit "B" attached hereto and by this reference incorporated herein, forever, in FEE SIMPLE.

AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed by its duly authorized and incumbent officer as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

C.P. Huang  
Unofficial Witness

GRANTOR:

Shu-Hui Huang  
Shu-Hui Huang, individually and as Administrator  
of Zong Tsan Huang

Nancy Nianqing Liu  
Notary Public  
My Commission Expires:



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EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 205, 1st District, 1st Section of Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point located on the southerly right-of-way line of Morton Road (variable right-of-way) which point intersects with the westerly line of Land Lot 205, run thence along said right-of-way line South 89°43'23" East a distance of 274.97 feet to a point; thence continuing along said right-of-way line run South 89°27'56" East a distance of 83.13 feet to an iron pin set; thence leaving said right-of-way line run South 01°23'21" East a distance of 483.07 feet to an iron pin set; run thence North 87°38'57" West a distance of 358.70 feet to an iron pin found; run thence North 01°23'21" West a distance of 470.46 feet to the point of place of beginning containing 3.919 acres as shown on Survey for Zong T. Huang and Shu-Hui Huang by Brumbelow-Reese and Assoc., Inc. by Rodney H. Reese, Ga. R.L.S. No. 2072, dated June 8, 1992, last revised July 8, 1992.

EXHIBIT "B"

Permitted Exceptions

1. Right of Way Easement from Roland Petersen-Frey to Sawnee Electric Membership Corporation, dated September 22, 1979, filed for record September 27, 1979, recorded in Deed Book 7379, page 425, Fulton County records.
2. Right of Way Easement from Christa Petersen-Frey to Sawnee Electric Membership Corporation, dated February 7, 1981, filed for record February 23, 1981, recorded in Deed Book 7778, page 118, Fulton County records.
3. Right of Way Deed from Roland Petersen-Frey and Christa Petersen-Frey to Fulton County, dated August 28, 1981, filed for record April 18, 1982, recorded in Deed Book 8118, page 347, Fulton County records.
4. Right of Way Easement from Christa Petersen-Frey to Sawnee Electric Membership Corporation, dated September 11, 1984, filed for record October 12, 1984, recorded in Deed Book 9208, page 315, Fulton County records.
5. Right of Way Easement from Roland Petersen-Frey and Christa Petersen-Frey to Sawnee Electric Membership Corporation, dated November 19, 1987, filed for record December 18, 1987, recorded in Deed Book 11242, page 148, Fulton County records.
6. Right of Way Easement from Roland Petersen-Frey and Christa Petersen-Frey to Sawnee Electric Membership Corporation, dated August 13, 1991, filed for record September 4, 1991 recorded in Deed Book 14550, page 232, Fulton County records.
7. Right of Way Deed from Roland Petersen-Frey and Christa Petersen-Frey to Fulton County, dated November 19, 1987, filed for record December 18, 1987, recorded in Deed Book 11242, page 148, Fulton County records.

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EXISTING BUILDING : 28,220 SF.  
 NEW ADDITION: 16,760 SF.  
 TOTAL AREA: 44,980 SF.  
 TOTAL PARKING: 400 SPACES

MORTON ROAD  
 PLANTATION DR.

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 MORTONS KING

MASTER PLAN 2015

ATLANTA CHINESE CHRISTIAN CHURCH NORTH

0 25' 50' 100'



City of Johns Creek  
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ADDRESS 5055 MORTON ROAD, JOHNS CREEK, GA 30022

PHONE 770-667-9593  
WEBSITE [www.acccn.org](http://www.acccn.org)



BOUNDARY SURVEY OF SUBJECT PROPERTY  
SEE ATTACHMENT #1 FOR WRITTEN FULL DESCRIPTION  
TOTAL 1.166 ACRES  
ACRES OF SUBJECT PROPERTY  
IDENTIFICATION OF LAND LOT  
DISTRICT 165  
SECTION 1  
ZONING OF THE PROPERTY AG-1  
BUILDING AREA  
36,200 SF  
NEW ADDITION  
17,600 SF  
TOTAL AREA  
44,800 SF  
TOTAL PARKING  
400 SPACES  
FLOOD STATEMENT  
FLOOD HAZARD ZONED IN FLOOD HAZARD AREA ACCORDING TO  
FIRM MAP #13160 AND NOT REVISION DATED 02/19/88.  
SEE ATTACHMENT #2 FOR FLOOD CAUTION

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EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 205 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT A POINT LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MORTON ROAD (VARIABLE RIGHT-OF-WAY) WHICH POINT IS 358.10 FEET ALONG SAID RIGHT-OF-WAY LINE EASTERLY FROM THE WEST LINE OF LAND LOT 205, RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 549.90 FEET, SAID ARC HAVING A RADIUS OF 2775.61 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 84 DEGREES 51 MINUTES 18 SECONDS EAST AND A LENGTH OF 549.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING SOUTH 00 DEGREES 27 MINUTES 54 SECONDS WEST A DISTANCE OF 467.48 FEET TO AN IRON PIN FOUND; RUNNING THENCE NORTH 86 DEGREES 04 FEET 20 SECONDS WEST A DISTANCE OF 433.09 FEET TO AN IRON PIN FOUND, RUNNING THENCE NORTH 87 DEGREES 38 MINUTES 57 SECONDS WEST A DISTANCE OF 99.29 FEET TO AN IRON PIN FOUND; RUNNING THENCE NORTH 01 DEGREES 23 MINUTES 21 SECONDS WEST A DISTANCE OF 483.10 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 5.9776 ACRES, MORE OR LESS, ALL AS PER PLAT OF SURVEY PREPARED FOR ATLANTA CHINESE CHRISTIAN CHURCH NORTH, INC. DATED OCTOBER 25, 2001 PREPARED BY GUDGER SURVEYING, INC., CERTIFIED BY RONALD E. GUDGER, GRLS NO. 2089, WHICH PLAT OF SURVEY BEING INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.**

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Deed Book 31371 Pg 375

**Juanita Hicks**

**Clerk of Superior Court**

**Fulton County, Georgia**

100-443887-100



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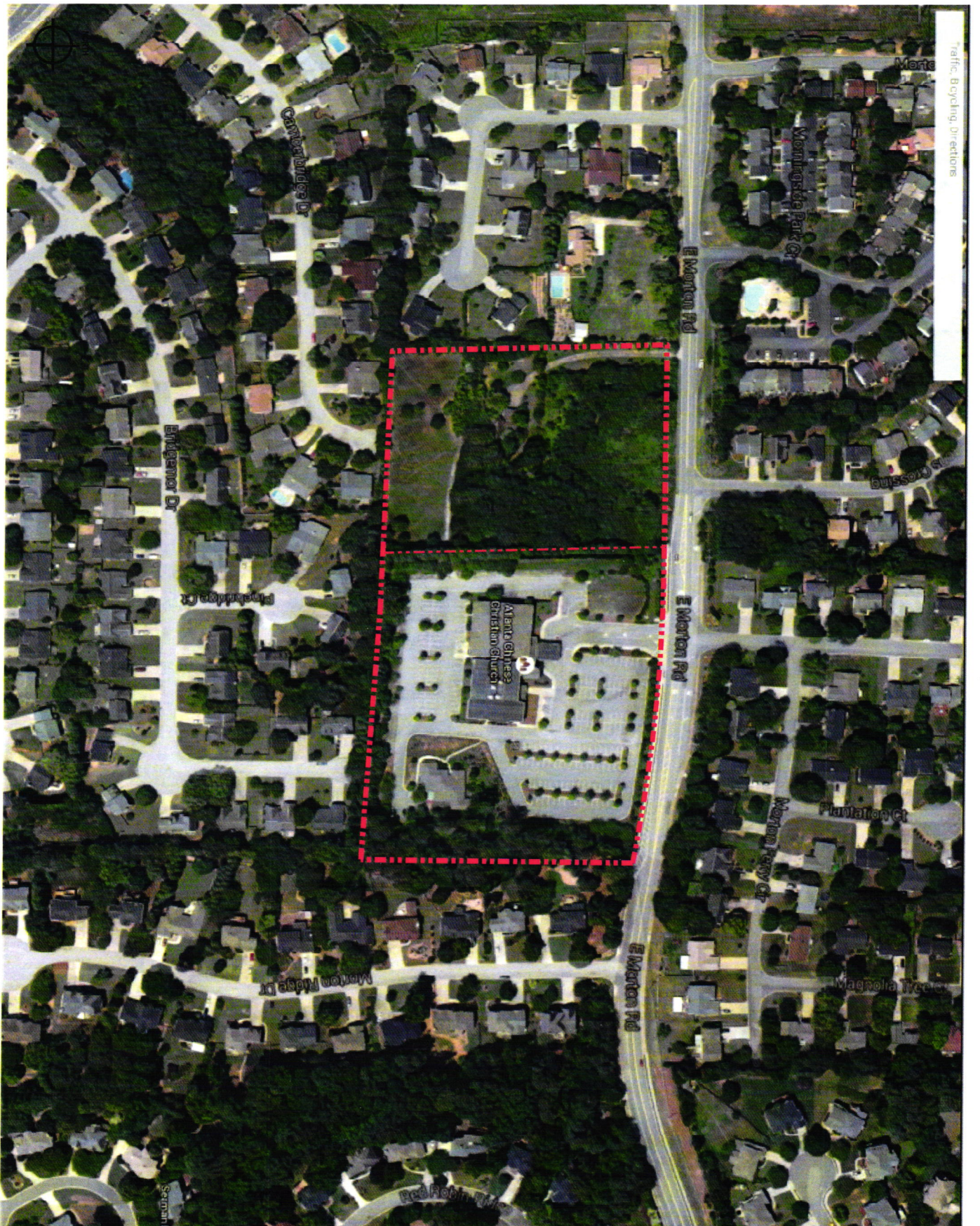
EXHIBIT "A"

SU P. 15 001

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 205, 1st District, 1st Section of Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point located on the southerly right-of-way line of Morton Road (variable right-of-way) which point intersects with the westerly line of Land Lot 205, run thence along said right-of-way line South  $89^{\circ}43'23''$  East a distance of 274.97 feet to a point; thence continuing along said right-of-way line run South  $89^{\circ}27'56''$  East a distance of 83.13 feet to an iron pin set; thence leaving said right-of-way line run South  $01^{\circ}23'21''$  East a distance of 483.07 feet to an iron pin set; run thence North  $87^{\circ}38'57''$  West a distance of 358.70 feet to an iron pin found; run thence North  $01^{\circ}23'21''$  West a distance of 470.46 feet to the point of place of beginning containing 3.919 acres as shown on Survey for Zong T. Huang and Shu-Hui Huang by Brumbelow-Reese and Assoc., Inc. by Rodney H. Reese, Ge. R.L.S. No. 2072, dated June 8, 1992, last revised July 8, 1992.





SU P. 15 001 ^

ATTACHMENT #2

5/29/2015



## **PUBLIC PARTICIPATION PLAN- PART 1**

Applicant, Atlanta Chinese Christian Church North, LLC, is committed to public participation in this use permit application. The Applicant has advised two neighboring homeowner associations of its intent to submit this application and desire to engage in conversations with the Association's leadership. An initial meeting is scheduled to take place on June 9<sup>th</sup>. The Applicant and its counsel are available by phone, e-mail and meetings to discuss the request and address any concerns raised by the community.

After initial conversations with the Associations' leadership, the Applicant will mail a notice and invitation to the neighboring property owners within a quarter mile. The meeting will take place at the Church facility to allow the public to access the property for an understanding of the existing parking and need for additional parking, while also understanding that the 500 seat sanctuary will not be enlarged.

Notices will be mailed to the neighbors on or before July 1, 2015 and a meeting will take place by August 1, 2015. The public participation report will be filed with the City by August 17, 2015.

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## A&R Engineering Inc.

2160 Kingston Court, Suite O  
Marietta, GA 30067  
Tel: (770) 690-9255 Fax: (770) 690-9210  
www.areng.com

### Trip Generation Memorandum

To: Martin Leung  
ACCCN  
5055 Morton Road  
Johns Creek, GA 30022



Date: May 22, 2015

Subject: Trip Generation Memorandum for Atlanta Chinese Christian Church North

The purpose of this memorandum is to determine the trip generation that will result from the completion of the church project as authorized under the 2001 special use permit. The church was authorized to construct 44,200 square feet. The first phase/existing building is 28,220 square feet. In doing so, a determination will be made if the Johns Creek threshold requirements for a traffic impact study are met. A T.I.S. is required by the city when:

- The development generates approximately 100 trips during the peak hour
- Existing traffic problems or congestion
- Negative impacts on adjacent developments
- The development proposes a deviation from City of Johns Creek standards
- Other local issues that may be present

The existing development is served by a single entrance on Morton Road, across from Plantation Drive. The existing Church contains 500 seats with a total square footage of 22,220. The proposed plans for a 16,760 sq. ft. new Family Life Center and Educational Building will not affect the total seating in the Church.

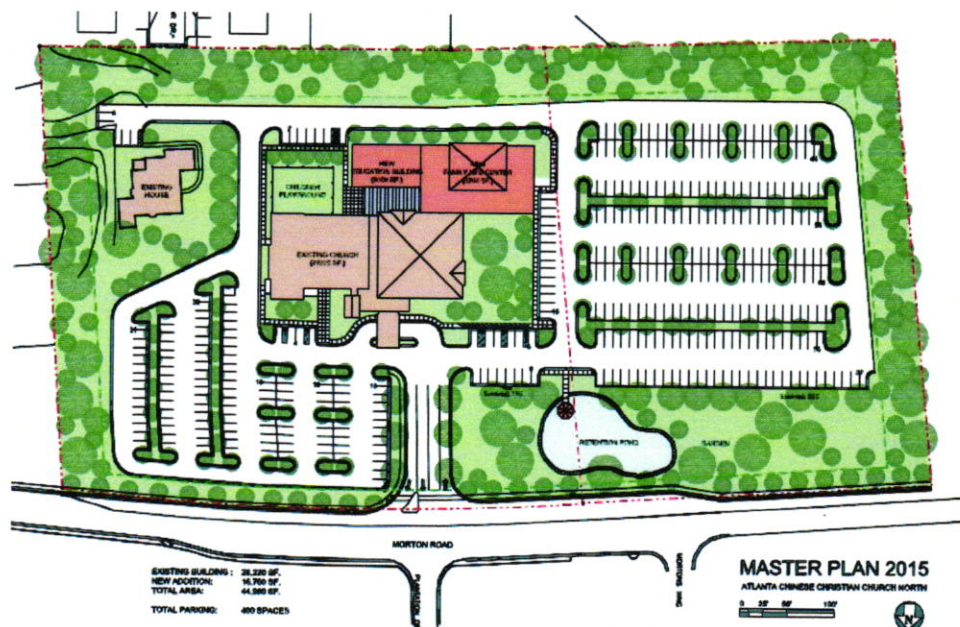


Figure 1: Future Site Conditions

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Trip generation estimates for this project were based on the rates and equations published in the 9<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Use: 560 – Church. The ITE Trip Generation report states, “A church is a building in which public worship services are held. A church houses an assembly hall or sanctuary; it may also house meeting rooms, classrooms and, occasionally, dining, catering, or party facilities.” Table 1 shows the estimated trip generation during the AM and PM peak hours for the proposed 16,760 square foot expansion.

TABLE 1 - WEEKDAY TRIP GENERATION							
Land Use (Size)	A.M. Peak Hour			P.M. Peak Hour			24-Hour
	Enter	Exit	Total	Enter	Exit	Total	2-Way
560 – Church (16,760 sq. ft.)	7	4	11	6	6	12	173

TABLE 2 - SUNDAY TRIP GENERATION				
Land Use (Size)	Peak Hour			24-Hour
	Enter	Exit	Total	2-Way
560 – Church (16,760 sq. ft.)	128	134	262	670

## Findings and Recommendations:

Our recommendation is that the city not require a full TIS for the development as impacts for the expansion will likely be minor, based on the following reasoning:

- Weekday trips to worship uses, like this one, are very low and typically have little or no impact on the road network. This is evidenced by the weekday trip generation in Table 1.
- Weekday traffic on adjacent roadways tends to be higher than weekend traffic flow, when the proposed use will be the most active.
- The addition is for a “new Family Life Center and Educational Building” and will not add seating to the sanctuary. For this reason the amount of trips calculated using ITE data may be artificially high for added Sunday traffic volumes.

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\*\*\* CUSTOMER RECEIPT \*\*\*

Batch ID: JHNCMNJ                      6/02/15 01                      Receipt no:    12424

Year	Number	Type	SvcCd	Description	Amount
2015	84	PZ		PLANNING/ZONING PAYMENTS	\$500.00

SUP-15-001-FEES

Tender detail

CK Ref#:	3258	\$500.00
Total tendered:		\$500.00
Total payment:		\$500.00

Trans date:    6/02/15                      Time: 15:31:11

\*\*\* THANK YOU FOR YOUR PAYMENT \*\*\*